

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Nicholas Antwan Leggett

Docket No. 7:03-CR-36-1BR

Petition for Action on Supervised Release

COMES NOW Thomas E. Sheppard, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Nicholas Antwan Leggett, who, upon an earlier plea of guilty to Possession of Ammunition by a Felon in violation of 18 U.S.C. §922(g)(1), was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on March 8, 2004, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Nicholas Antwan Leggett was released from custody on February 25, 2014, at which time the term of supervised release commenced. On August 15, 2014, a failed drug test and an instance of leaving the district without permission were reported to the court, and the defendant was verbally reprimanded and allowed to continue participating in treatment. On April 12, 2016, another failed drug test was reported to the court, and as he had tested clean twelve times since the previous failure, he was instructed to resume treatment and testing. On September 2, 2016, the conditions of supervised release were modified to require the defendant to perform 24 hours of community service as a sanction for committing an assault.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 14, 2016, the defendant submitted a urine specimen which tested positive for marijuana and oxycodone. The defendant admitted that he used marijuana, and denied using oxycodone. He was instructed to resume treatment and testing. We recommend adding a condition requiring the defendant to observe a curfew, with electronic monitoring, for 30 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Thomas E. Sheppard

Thomas E. Sheppard
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: 910-354-2541
Executed On: December 12, 2016

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ORDER OF THE COURT

Considered and ordered this 13 day of December, 2016, and ordered filed and made a part of the records in the above case.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is written over a horizontal line.

W. Earl Britt
Senior U.S. District Judge